

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANTHONY EUGENE LEWIS,	)	CASE NO. C10-0267RSL
	)	
Plaintiff,	)	
	)	
v.	)	ORDER DENYING APPLICATION
	)	TO PROCEED <i>IN FORMA PAUPERIS</i>
ELDON VAIL, et al.,	)	
	)	
Defendants.	)	

---

The Court, having reviewed plaintiff's application to proceed in forma pauperis (Dkt. #1), the proposed civil rights complaint (Dkt. #1-2), the motion for preliminary injunctive relief (Dkt. #1-3) and supporting declaration (Dkt. #1-6), the Report and Recommendation of United States Magistrate Judge Mary Alice Theiler, plaintiff's objections thereto, the governing law, and the balance of the record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation. In response to the Report and Recommendation, plaintiff belatedly identified a prison official who told him he could be subject to involuntary medication because he refused medical treatment. Rather than alleging any specific threat, plaintiff's filings simply state that he was told that the institution "had the

01 authority to involuntarily medicate him against his refusal to comply with mental health  
02 treatment.” Plaintiff’s Objections at p. 7. That alleged “threat” occurred approximately two  
03 months ago. Id. As set forth in the Report and Recommendation, plaintiff does not allege that  
04 defendants have ever required him to take medication, that defendants have decided to medicate  
05 him involuntarily, that such a decision is pending, or that such a decision would or could be  
06 made without affording him due process protections. Instead, plaintiff states that he has been  
07 given notice of the possibility that he could be medicated and an opportunity to respond.  
08 Being notified that such an action is possible at some unidentified point in the future is not  
09 tantamount to an immediate threat of involuntary medication. Nor is it evidence that plaintiff  
10 is in imminent danger of serious physical injury.

11 (2) Plaintiff’s application to proceed *in forma pauperis* is DENIED because  
12 plaintiff’s four strikes pursuant to 28 U.S.C. § 1915(g) preclude the present civil action unless  
13 he pays the filing fee.

14 (3) Plaintiff is directed to pay the \$350 filing fee for the present action within thirty  
15 (30) days of the date of this Order or risk dismissal of the action.

16 (4) Plaintiff’s motion for oral argument (Dkt. #7) is DENIED; this matter can be  
17 decided based on plaintiff’s filings and the applicable law.

18 (5) The Clerk of Court is directed to send copies of this Order to plaintiff and to  
19  
20  
21  
22

01 Magistrate Judge Mary Alice Theiler.

02  
03 DATED this 5<sup>th</sup> day of April, 2010.

04  
05 

06 ROBERT S. LASNIK  
Chief United States District Judge